

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
BUSINESS COURT**

**JOANN M. HENDERSON,
Plaintiffs,**

v.

**Case No. 13-136469-CZ
Hon. James M. Alexander**

**JAMES B. HENDERSON, ET AL,
Defendants.**

OPINION AND ORDER RE: SUMMARY DISPOSITION

This matter is before the Court on Defendants' Motion for Summary Disposition. Plaintiff filed her Complaint alleging embezzlement and fraud in connection with a loan that she made to Defendant Datam Manufacturing in 2008.

Defendants now bring the present motion for summary disposition – claiming that Michigan lacks jurisdiction. Plaintiff is an Arizona resident. Defendant Bronce Henderson is a New York resident. Defendant Brian Henderson is a Michigan resident. Defendant Datam Manufacturing is a Michigan LLC. Defendant Glass Management and Glass Conversions are New York corporations. And Defendant Green Conversions is a Florida LLC.

Arguing Michigan lacks jurisdiction, Defendants Bronce Henderson, Glass Management, Glass Conversions, and Green Conversions now seek summary disposition under MCR 2.116(C)(1), which tests whether the Court has personal jurisdiction over a defendant. Plaintiff has the burden of establishing a prima facie showing of jurisdiction to avoid summary disposition. *Jeffrey v Rapid American Corp*, 448 Mich 178, 184; 529 NW2d 644 (1995). A court reviewing a (C)(1) motion must examine the affidavits, pleadings, depositions, admissions as well as any other documentation submitted by the parties. MCR 2.116(G)(5); *Jeffrey, supra*.

All factual disputes are resolved in the non-movant's favor. *Id.* Whether a court has personal jurisdiction over a party is a question of law. *Oberlies v Searchmont Resort, Inc*, 246 Mich App 424, 426; 633 NW2d 408 (2001).

In Defendants' verified motion, Defendant James Henderson claims that the above Defendants have insufficient contacts with Michigan sufficient to confer jurisdiction. The burden to establish jurisdiction, therefore, shifts to Plaintiff. *Jeffrey, supra.*

In her meandering Response, Plaintiff poses several rhetorical questions and makes conclusory statements without citation to evidence of any kind. Likewise, Plaintiff's Response is devoid of relevant law. The only case cited in the entirety of her Response is a Michigan Supreme Court case considering whether Wayne or Oakland County had proper venue under MCL 600.1629. The issue in the present motion, however, is personal jurisdiction – not venue.

Michigan law is clear that, "A party may not merely announce a position and leave it to [the] Court to discover and rationalize the basis for the claim." *National Waterworks, Inc v International Fidelity & Surety, Ltd*, 275 Mich App 256, 265; 739 NW2d 121 (2007). This is precisely what Plaintiff has done in her Response. It is Plaintiff's burden to establish a prima facie showing of jurisdiction, and she has completely neglected said burden.

Because Plaintiff has failed to establish any semblance of a prima facie showing of jurisdiction, the Court is left with no option but to GRANT Defendants' motion. Plaintiff's Complaint as to Defendants Bronce Henderson, Glass Management, Glass Conversions, and Green Conversions only is hereby DISMISSED.

IT IS SO ORDERED.

February 19, 2014
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge